

**Senate File 2050 - Introduced**

SENATE FILE 2050

BY JOHNSON

**A BILL FOR**

1 An Act authorizing area education agencies to competitively  
2 bid to provide services to school districts and accredited  
3 nonpublic schools.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256B.2, subsections 4 and 5, Code 2014,  
2 are amended to read as follows:

3 4. Every child requiring special education shall, if  
4 reasonably possible, receive a level of education commensurate  
5 with the level provided each child who does not require special  
6 education. The cost of providing such an education shall  
7 be paid as provided in ~~section~~ sections 273.9 and 273.16,  
8 this chapter, and chapter 257. It shall be the primary  
9 responsibility of each school district to provide special  
10 education to children who reside in that district if the  
11 children requiring special education are properly identified,  
12 the educational program or service has been approved, the  
13 teacher or instructor has been licensed, the number of children  
14 requiring special education needing that educational program or  
15 service is sufficient to make offering the program or service  
16 feasible, and the program or service cannot more economically  
17 and equably be obtained from the area education agency, another  
18 school district, another group of school districts, a qualified  
19 private agency, or in cooperation with one or more other  
20 districts.

21 5. Moneys received by the school district of the child's  
22 residence for the child's education, derived from moneys  
23 received through chapter 257, this chapter, and section 273.9  
24 shall be paid by the school district of the child's residence  
25 to the appropriate area education agency, private agency, or  
26 other school district providing special education for the child  
27 pursuant to contractual arrangements as provided in section  
28 273.3, subsections 5 and 6, or section 273.16.

29 Sec. 2. Section 273.2, subsections 3 and 4, Code 2014, are  
30 amended to read as follows:

31 3. ~~The~~ Except as provided in section 273.16, the area  
32 education agency board shall furnish educational services and  
33 programs as provided in section 273.1, this section, sections  
34 273.3 to 273.9, and chapter 256B to the pupils enrolled in  
35 public or nonpublic schools located within its boundaries which

1 are on the list of accredited schools pursuant to section  
2 256.11. The programs and services provided shall be at least  
3 commensurate with programs and services existing on July 1,  
4 1974. The programs and services provided to pupils enrolled  
5 in nonpublic schools shall be comparable to programs and  
6 services provided to pupils enrolled in public schools within  
7 constitutional guidelines.

8 4. The Except as provided in section 273.16, the area  
9 education agency board shall provide for special education  
10 services and media services for the local school districts in  
11 the area and shall encourage and assist school districts in the  
12 area to establish programs for gifted and talented children.  
13 The board shall assist in facilitating interlibrary loans of  
14 materials between school districts and other libraries.

15 Sec. 3. Section 273.3, subsections 2 and 12, Code 2014, are  
16 amended to read as follows:

17 2. Be authorized to receive and expend money for providing  
18 programs and services as provided in sections 273.1, 273.2,  
19 this section, sections 273.4 to 273.9, and section 273.16, and  
20 chapters 256B and 257. All costs incurred in providing the  
21 programs and services, including administrative costs, shall  
22 be paid from funds received pursuant to sections 273.1, 273.2,  
23 this section, sections 273.4 to 273.9, and section 273.16, and  
24 chapters 256B and 257.

25 12. Prepare an annual budget estimating income and  
26 expenditures for programs and services as provided in sections  
27 273.1, 273.2, this section, sections 273.4 to 273.9, and  
28 section 273.16, and chapter 256B within the limits of funds  
29 provided under section 256B.9 and chapter 257. The board  
30 shall give notice of a public hearing on the proposed budget  
31 by publication in an official county newspaper in each county  
32 in the territory of the area education agency in which the  
33 principal place of business of a school district that is a  
34 part of the area education agency is located. The notice  
35 shall specify the date, which shall be not later than March

1 1 of each year, the time, and the location of the public  
2 hearing. The proposed budget as approved by the board shall  
3 then be submitted to the state board of education, on forms  
4 provided by the department, no later than March 15 preceding  
5 the next fiscal year for approval. The state board shall  
6 review the proposed budget of each area education agency and  
7 shall before May 1, either grant approval or return the budget  
8 without approval with comments of the state board included. An  
9 unapproved budget shall be resubmitted to the state board for  
10 final approval not later than May 15. The state board shall  
11 give final approval only to budgets submitted by area education  
12 agencies accredited by the state board or that have been given  
13 conditional accreditation by the state board.

14 Sec. 4. Section 273.5, unnumbered paragraph 1, Code 2014,  
15 is amended to read as follows:

16 There shall be established a division of special education  
17 of the area education agency which shall provide for special  
18 education programs and services to the local school districts  
19 and to school districts pursuant to section 273.16. The  
20 division of special education shall be headed by a director  
21 of special education who meets certification standards of the  
22 department of education. The director of special education  
23 shall have the responsibility for implementation of state  
24 regulations and guidelines relating to special education  
25 programs and services. The director of special education shall  
26 have the following powers and duties:

27 Sec. 5. Section 273.9, subsection 1, Code 2014, is amended  
28 to read as follows:

29 1. School districts shall pay for the programs and services  
30 provided through ~~the~~ an area education agency and shall include  
31 expenditures for the programs and services in their budgets, in  
32 accordance with this section.

33 Sec. 6. NEW SECTION. **273.16 Competitive bidding procedures.**

34 1. The board of directors of a school district or the  
35 authorities in charge of an accredited nonpublic school may

1 issue to any area education agency established under this  
2 chapter a request for bids and proposals for items and services  
3 that an area education agency is required or authorized under  
4 this chapter and chapter 256B to provide to a school district  
5 or accredited nonpublic school located within its boundaries.  
6 An area education agency that enters into a contract pursuant  
7 to this section shall meet all of the requirements of this  
8 chapter and chapter 256B relating to the provision of the item  
9 or service that the area education agency is under contract to  
10 provide.

11 2. A school district or accredited nonpublic school shall  
12 only enter into a contract with the lowest responsible bidder.

13 3. If a contract entered into pursuant to this section is  
14 for special education services for a child requiring special  
15 education under chapter 256B, the contract shall be entered  
16 into with the area education agency with the lowest responsible  
17 bid that also maintains a special education instructional  
18 program that is appropriate to meet the child's educational  
19 needs.

20 4. If an area education agency other than the area education  
21 agency in which the school district or accredited nonpublic  
22 school is located is awarded a contract by a school district  
23 or accredited nonpublic school pursuant to this section,  
24 the area education agency in which the school district or  
25 accredited nonpublic school is located shall be responsible for  
26 the payment, on a quarterly basis, of the cost per pupil plus  
27 weightings or the actual special education costs, whichever  
28 amount is greater, to the area education agency awarded the  
29 contract for the duration of the contract.

30 5. Notwithstanding any other provision to the contrary, if  
31 a school district or accredited nonpublic school enters into  
32 a contract with an area education agency other than the area  
33 education agency in which the school district or school is  
34 located, the area education agency in which the school district  
35 or school is located is not responsible for providing the items

1 or services that are the subject of the contract to the school  
2 district or school.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with  
5 the explanation's substance by the members of the general assembly.

6 This bill authorizes the board of directors of a school  
7 district or the authorities in charge of an accredited  
8 nonpublic school to issue to any area education agency (AEA)  
9 in the state a request for bids and proposals for items and  
10 services that an AEA is required or authorized to provide to a  
11 school district or accredited nonpublic school located within  
12 its boundaries. An AEA that enters into such a contract shall  
13 meet all of the requirements of Code chapter 273 and Code  
14 chapter 256B relating to the provision of the item or service  
15 that the AEA is under contract to provide.

16 A school district or accredited nonpublic school shall only  
17 enter into a contract with the lowest responsible bidder.

18 If such a contract entered into is for special education  
19 services for a child requiring special education, the contract  
20 shall only be entered into with the lowest responsible bidder  
21 that also maintains a special education instructional program  
22 that is appropriate to meet the child's educational needs.

23 If an AEA other than the AEA in which the school district  
24 or accredited nonpublic school is located is awarded such a  
25 contract, the AEA in which the school district or accredited  
26 nonpublic school is located shall be responsible for the  
27 payment, on a quarterly basis, of the cost per pupil plus  
28 weightings or the actual special education costs incurred in  
29 providing appropriate special education, whichever amount is  
30 greater, to the AEA awarded the contract for the duration of  
31 the contract.

32 If a school district or accredited nonpublic school enters  
33 into such a contract with another AEA, the AEA in which the  
34 school district or school is located is not responsible for  
35 providing the items or services contracted for to the school

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1 district or school.